

## How much is a gadfly worth? Over \$23K to Lansing



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### City seeking court order to stop Christine Timmon's 'frivolous' lawsuits

What would you buy with \$23,436.75?

Perhaps you'd use it for a down payment on a new home in a nice neighborhood. How about morning lattes for the next 15 years? You could even buy a 2003 Cadillac CTS, the same car the mayor drives. Would you spend it on Christine Timmon?

Over the last six years, Lansing taxpayers have spent that amount so the city could defend itself from lawsuits filed by the longtime gadfly.

Now City Attorney Brigham Smith is seeking a court order against Timmon — whose only expense is in the paper she buys — to stop her from further draining the city's coffers with what he calls "frivolous" lawsuits.

Timmon, a regular at Lansing City Council meetings and the self-proclaimed "Queen of Lansing Politics," has filed four federal lawsuits against the city since 2000, three of which were aimed at Council members.

That includes the latest one, *Timmon v. Harold Leeman, et al*, which a federal judge dismissed before it could ever make it to trial.

The recently dismissed suit consisted of two lawsuits later joined into one. Both claimed that the Council had impinged on Timmon's constitutional rights to free speech and equal protection, and also violated the state's Open Meetings Act.

At the public comment portion of the Council's Sept. 12, 2005, meeting, former Lansing police officer Loren Glasscock spoke in support of then mayoral candidate Virg Bernero's plan to place police officers in schools. After Glasscock and several other people spoke, Timmon addressed the Council.

She said she was "listening to old-school Loren Glasscock talking about police in the schools ... he needs to stay home."

Timmon went on to suggest that Glasscock was "deeply involved" in the 1997 gassing of Melling Forge Co. workers who were holding a pro-labor rally that went awry.

She then turned her attention to Gary Andrews, who like Timmon produces programs on the city's public access television station. She said Andrews "made a lot of accusations against Comcast and the public access and some of the producers. Pay him no attention either."

Councilwoman Carol Wood interrupted Timmon, asking then-Council President Sandy Allen for a point of order, saying that Timmon was defaming private citizens. Allen agreed and invoked a Council rule that prohibits "personally abusive attacks."

Timmon denied she was making personal attacks. "And I will be filing some federal lawsuits," Timmon continued. "And Carol Wood, you need to mind your own business."



So sue me: The city of Lansing has spent more than \$23,000 in its successful defenses of lawsuits filed by City Council 'regular' Christine Timmon, shown here at a recent televised Council meeting. (Courtesy of City of Lansing)

As promised, Timmon filed her lawsuit three days later.

On Jan. 1, 2006, newly elected city officials, including City Clerk Chris Swope, gathered at the Lansing Center for their inauguration. During his speech, Swope, who is gay, acknowledged his husband, whom he married in a Canadian ceremony in 2004.

Four days later, at the Council's first meeting of the year, Timmon lashed out at the new officials, none of whom she supported during the election.

"And also Chris Swope, I've gotten very ... a lot of complaints about you announcing ... you violating the constitution of the state of Michigan by announcing at a public funded event that you had a husband. People were talking about you should have been ashamed of yourself [Council President Leeman bangs the gavel] because there was little kids."



Brigham Smith

Leeman made a point of order.

"You can make a personal attack," Timmon said, "as long as it is not unrelated to his duties. And this was related to the duties that he performs. This in related to the duties he performs."

"There is a point of order," Leeman responded. "Please ... please ... please refrain ... please refrain ...."

"Stop the clock," Timmon said in reference to the three-minute timer used to countdown speakers' time.

"Please continue with other city matters," Leeman said.

"OK. Stop the clock and I'll check it with ...."

"No. You go ahead, please."

"OK," Timmon said. "Now on [deputy mayor] Jerry Ambrose, he is going to get it from me because I had to file injunctions against him when he was at the county commission concerning how money came up missing. And Kathie Dunbar, just like I said, I will never trust a thing she says. I don't think she belongs in these city matters. She is a cheater insofar as her election [Leeman again pounds the gavel] ...."

"Please," Leeman said, "please refrain from personal attacks."

Timmon attempted to defend her actions until her three minutes were up.

On Jan. 11, Timmon sued Leeman and Dunbar, claiming that the Council violated her free speech rights, as well as that the Council did not use its rules in the same manner with other speakers, thus violating the U.S. Constitution's Equal Protection Clause.

Timmon sought \$30 million in damages for her suits, which were consolidated on May 12.

On July 18, U.S. District Judge Gordon J. Quist granted summary judgment for the city, dismissing Timmon's case as without merit.

First, Quist threw out Timmon's First Amendment claim, ruling that a city council meeting is a "limited public forum."

“The prohibition against personally abusive attacks ... furthers the city’s interest in running an efficient meeting without disruption by ensuring that speakers focus only on the issues and not on impertinent matters,” Quist wrote.

Next, the judge dismissed Timmon’s claim that she was treated differently because she is black. Her claim was based on a videotape she submitted that showed how the Council reacted to other public speakers.

Quist ruled that if anything, “Timmon’s evidence shows that the City Council applies Rule 19 in a nondiscriminatory manner,” citing evidence where the Council gavelled a white man who made personally derogatory comments while at the same time not gaveling a black man who used profanities.

As for Timmon’s charge that the Council violated the Open Meetings Act, the “basis of her claim is unclear,” Quist ruled. “Timmon was permitted to address the City Council at its Sept. 12, 2005, meeting and at its Jan. 6, 2005, meeting, subject to its established rules,” Quist said. “She fails to explain how the defendants violated this provision.”

The city’s legal fees totaled \$16,756.45 for the two adjoining cases.

“It’s frivolous,” Smith said, “and the taxpayers shouldn’t be required to foot the bill for frivolous litigation.”

Timmon said she can’t be blamed for the city’s tab for outside counsel. “They pick the attorneys they want to pick,” she said. “There’s got to be some cheaper ones.”

For the Timmon cases, the city used the Plunkett & Cooney law firm instead of performing the work in-house.

“In the past, I think we’ve done it simply because our [labor] resources are limited,” Smith said, “and we don’t want to spend those limited resources defending frivolous litigation.”

Smith said his office will review its policy of using outside attorneys and may decide to do more work at City Hall.

With regard to Timmon, to save time and money, Smith said he will attempt to obtain a court order that would require her to “basically pass a smell test with the court before she’s allowed to file.”

“This is a frequent course of action,” Smith said. “Prisoners, for instance, will file [lawsuits] ad nauseum simply because they have nothing better to do.”

“It doesn’t matter that at the end of the day the thing gets dismissed,” Smith said, “it’s that you have to go through all that time and money to get to that point. It’s fundamentally unfair.”

Timmon herself was curious as to how much money she’s cost the city. Two days after Quist’s ruling, she filed a Freedom of Information Act request with the city attorney’s office to find out what the total bill was.

“The very fact that she has sent us a FOIA request totaling the amount of money she has cost the taxpayers of this city is Exhibit A for why we intend to seek further relief preventing her from filing any more frivolous lawsuits,” Smith said.

“That’s a bunch of B.S.,” Timmon responded. “Brigham Smith will never stop me from going to court and filing a lawsuit when I want.”

“Hopefully, this will be the catalyst to make me a real, real, real famous person all around the country,” Timmon said.

Smith said it would be OK if Timmon had a substantive complaint with the city.

“If she’s got a legitimate complaint, no problem — people should be able to file such a complaint,” he said. “What

we're seeking is simply judicial review, so that it passes the smell test before we have to spend all this taxpayer money answering outlandish charges."

"I mean, a \$30 million settlement demand along with the complaint?" Smith asked rhetorically.

But what's wrong with that?

"Nothing, if there's \$30 million worth of damages," Smith said. "But when there's no damages at all, I think it just underscores the frivolity of the complaint itself.

"I mean, it's not rational."

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